

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Case No. 3:11-cv-02136-EMC

**JOINT STIPULATION AND [PROPOSED]
ORDER REGARDING CONTINUANCE
OF MAY 16, 2013 CASE MANAGEMENT
CONFERENCE**

Civil L.R. 7-12

1 The parties to this action—plaintiff ADC Technology, Inc. (“ADC”) and defendants Palm,
2 Inc. and Hewlett-Packard Co. (collectively, “Palm”)—respectfully submit this stipulation, requesting
3 that the Court continue the Case Management Conference previously scheduled in this action for
4 May 16, 2013 to a date in September 2013, or an alternative future date that is convenient to the
5 Court.

6 Good cause exists for this requested continuance of the Case Management Conference, since
7 (a) this action is presently stayed pending reexamination of the patents-in-suit by the United States
8 Patent and Trademark Office (“PTO”) and (b) there has not yet been a final determination of the
9 reexamination of the patents-in-suit, as set forth below:

- 10 ▪ This is a patent case in which the plaintiff, ADC, asserts three patents—namely, U.S.
11 Patent Nos. 6,985,136 (the “136 patent”), 7,057,605 (the “605 patent”) and 7,567,361
12 (the “361 patent”) (collectively, the “patents-in-suit”).
- 13 ▪ In mid-2011, pursuant to a third-party request, the PTO ordered reexamination of each of
14 the three patents-in-suit.
- 15 ▪ In July 2011, defendant Palm filed a stipulated motion to stay this case pending final
16 determination of the reexamination of the patents-in-suit by the PTO. (*See* Docket
17 No. 68.) Plaintiff ADC stipulated to this stay motion. (*Id.*)
- 18 ▪ On July 25, 2011, the Court granted the stipulated stay motion and ordered that “[t]his
19 action is stayed pending final determination of the reexamination of the patents-in-suit”
20 by the PTO. (*See* Docket No. 70.) In its order, the Court instructed the parties to advise
21 the Court when the PTO has issued a final determination on reexamination. (*Id.*) In
22 addition, the Court set a case management conference for May 11, 2012, which was
23 subsequently re-set for May 18, 2012. (*Id.*)
- 24 ▪ In May and September 2012 and in January 2013, defendant Palm and plaintiff ADC
25 filed stipulations requesting continuance of the case management conference, noting that
26 there has not yet been a final determination of the reexamination of all of the patents-in-
27 suit and indicating agreement that a continued stay in this action was appropriate. (*See*

1 Docket Nos. 72, 74, 77.) The Court granted the stipulated requests and re-set the case
2 management conference, which is currently set for May 16, 2013. (*See* Docket No. 73,
3 75, 78.)

- 4 ■ To date, there has not yet been a final determination of the reexamination of all of the
5 patents-in-suit. Although the PTO issued a reexamination certificate for the '136 patent
6 in December 2011, the reexamination proceedings that the PTO initiated in mid-2011 on
7 the '605 and '361 patents remain ongoing. And in addition to the reexamination
8 proceedings initiated by the PTO in mid-2011, the PTO has initiated additional
9 reexamination proceedings on the '136, '361, and '605 patents in July, November, and
10 December 2012, respectively. Reexamination proceedings for all of the patents-in-suit
11 thus remain ongoing.
- 12 ■ The parties presently agree that (a) this action should remain stayed pending a final
13 determination of the reexamination of the patents-in-suit and (b) the Case Management
14 Conference should be continued to a date in September 2013, or an alternative future date
15 that is convenient to the Court. The parties further agree that if any of the reexaminations
16 are completed before the rescheduled Case Management Conference, either party may
17 file a motion to have the stay lifted, and the other party may oppose the motion.

18 In view of the foregoing, the parties respectfully request that the Case Management
19 Conference previously set for May 16, 2013 be continued to a date in September 2013, or an
20 alternative future date that is convenient to the Court.

1 Dated: May 7, 2013

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12
13 Dated: May 7, 2013

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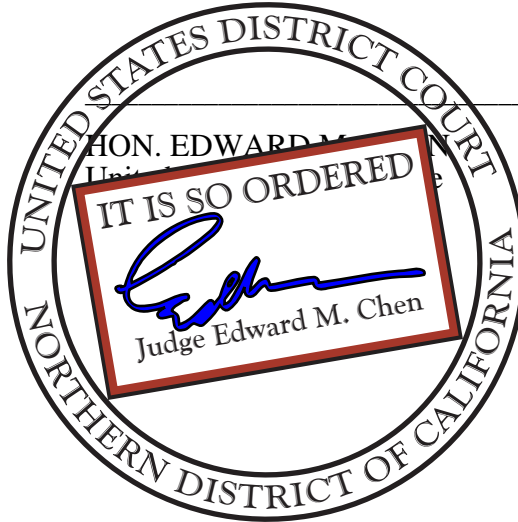
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

The Case Management Conference previously set for May 16, 2013 at 9:00 a.m. is hereby continued to September 12, 2013 at 9:00 a.m., in Courtroom 5, 17th Floor, 450 Golden Gate Avenue, San Francisco, California. A joint CMC Statement shall be filed by September 5, 2013.

Dated: May 13, 2013



SIGNATURE ATTESTATION

I, Nathan L. Walker, hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic filing of this document has been obtained from the other signatories. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on May 7, 2013, in Palo Alto, California.

By /s/ Nathan L. Walker
Nathan L. Walker